2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Physical protection and illicit trafficking)

Working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference underlines the paramount importance of effective physical protection of nuclear material and nuclear facilities and the need for all States to maintain the highest standards of physical protection. The Conference also notes that Security Council resolution 1540 (2004) requires all States to establish appropriate controls over materials related to nuclear weapons and their means of delivery and, to that end, to develop and maintain appropriate effective physical protection measures.

2. In this context, the Conference welcomes new accessions to the Convention on the Physical Protection of Nuclear Material. The Conference notes that Security Council resolution 1373 (2001) calls on all States to accede to the Convention, and urges all States that have not yet done so to adhere to it and to apply, as appropriate, the recommendations on the physical protection of nuclear material and nuclear facilities contained in IAEA document INFCIRC/225/Rev.4 (Corrected) and other relevant international instruments at the earliest possible date. In particular, the Conference looks forward to the early conclusion of ongoing efforts to strengthen the Convention, including the adoption by a diplomatic conference this year of a well-defined amendment to that Convention, and encourages further work to universalize the Convention.

3. The Conference notes that continued and enhanced efforts are needed to provide for the full and effective implementation of the Convention. These efforts could be facilitated by the establishment of IAEA nuclear security guidelines and recommendations. The Conference therefore welcomes the stated intention of IAEA to establish a comprehensive set of nuclear security guidelines and recommendations, as called for by the International Conference on Nuclear Security: Global Directions for the Future, held in London in March 2005.

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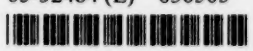

4. The Conference acknowledges the important contribution of IAEA in assisting States to meet appropriate security standards and calls on States to take full advantage of the Agency's advisory services in that regard.

5. The Conference notes that continued efforts to enhance the prevention of terrorist acts, as well as the physical protection and accountability of nuclear and other radioactive material in nuclear and non-nuclear use, and in storage and transport, throughout the life cycle, in a comprehensive and coherent manner, should be priorities for strengthening nuclear security.

6. The Conference welcomes the adoption by the IAEA Board of Governors of the Code of Conduct on the Safety and Security of Radioactive Sources, and supports the subsequent adoption by the Board of a comprehensive action plan for its implementation. The Conference welcomes the approval by the IAEA Board of Governors of Guidance on the Import and Export of Radioactive Sources under the Code and recalls that the General Conference has encouraged States to act in accordance with the Guidance on a harmonized basis. The Conference calls upon all States parties to make their political commitment to the Code and the Guidance under the Code.

7. The Conference notes with serious concern the recent revelations about illicit trade in highly sensitive nuclear equipment and technology, brought to the attention of IAEA member States by the Director General's reports to the Board of Governors. The Conference fully endorses the Director General's call for full cooperation from all IAEA member States in identifying the supply routes and sources of the technology, related equipment and nuclear and non-nuclear materials. The Conference recognizes the increased need for all States to reinforce their efforts to improve existing control mechanisms.

8. In this regard, the Conference notes that Security Council resolution 1540 (2004) requires all States to develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in nuclear weapon-related materials in accordance with their national legal authorities and legislation and consistent with international law.

9. The Conference welcomes the work of IAEA in support of efforts of States parties to combat illicit trafficking of nuclear materials and other radioactive substances. The Conference welcomes the efforts of IAEA to assist IAEA member States in strengthening their regulatory control on the applications of radioactive materials, including the Agency's proposed registering of sealed sources. The Conference also welcomes IAEA activities undertaken to provide for the enhanced exchange of information, including the continued maintenance of its illicit trafficking database. The Conference recognizes the need for enhanced coordination among States and among international organizations in preventing, detecting and responding to illicit trafficking in nuclear and other radioactive materials.

10. The Conference welcomes the findings and recommendations of the International Conference on Nuclear Security: Global Directions for the Future, and calls for the acceleration of efforts to develop and implement a fully effective global nuclear security framework based on prevention, detection and response.

11. The Conference emphasizes the leading role of IAEA in the global efforts to improve the global nuclear security framework and to promote its implementation. In continuing and strengthening that function, IAEA should take an active role to facilitate effective cooperation and coordination at the international and regional levels.

12. The Conference welcomes the establishment of the Global Threat Reduction Initiative, and welcomes the outcomes of its Partners Conference held in Vienna in September 2004 with the purpose of building international support for national programmes on nuclear and radiological threat reduction.

13. The Conference notes that article III of the Treaty is designed to detect and prevent the diversion of nuclear material, equipment and technology. This relates to diversion not only at the State level, but also diversion to individuals or subnational groups. The Conference notes, in this regard, that physical protection and measures to combat illicit trafficking are parts of a national system of nuclear security, the existence of which should be made a precondition for transfers of nuclear material, sensitive equipment or technology.